

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	Samuel Steinemann	Examiner:	J. Combs-Morillo
Serial No.:	10/750,446	Group Art Unit:	1793
Confirmation No.:	1771	Docket:	1409-2 RCE/CON/RCE II
Filed:	December 31, 2003	Dated:	February 9, 2009
For:	BINARY TITANIUM-ZIRCONIUM ALLOY FOR SURGICAL IMPLANTS AND A SUITABLE MANUFACTURING PROCESS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**Certificate of EFS-Web Transmission**

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via the Office's electronic filing system on **February 9, 2009**.

Joyce Peterson  
(Printed Name)

/joyce.peterson/  
(Signature)

**REQUEST FOR EXCUSAL OF ERRONEOUS  
PAYMENT OF SMALL ENTITY FEES UNDER CFR §1.28(c)**

Sir:

The assignee of the above-identified application is a Large Entity. The fees set forth below were erroneously paid as a Small Entity. Applicant is requesting an excusal of the fees paid in error. In accordance with the requirements of §1.28(c)(2)(ii)(A-D), details regarding the erroneous fees are set forth below.

Fee Type	Date Paid	Small Entity Fee Paid	Current Fee for Large Entity	Deficiency Owed
Filed RCE 8/14/06; Request for Refund dated 8/17/06; Refunded to Deposit Account on 9/12/06.		395.00	790.00	395.00
Extension of Time (3 months)	4/27/07	510.00	1020.00	510.00
Request for Continued Examination (RCE)	10/31/07	405.00	810.00	405.00
Additional independent claim – Amendment filed 10/31/07	10/31/07	105.00	210.00	105.00
Extension of Time (3 months)	6/30/08	525.00	1050.00	525.00
<b>Total Deficiency Owed</b>				<b>\$1940.00</b>

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Pursuant to C.F.R. §1.28(c)(2), the United States Patent and Trademark Office is hereby authorized to charge Deposit Account No. 08-2461 in the amount of \$1940.00 for the total deficiency in fees. If any additional fees are required, the United States Patent and Trademark Office is hereby authorized to charge Deposit Account No. 08-2461 for such additional fees.

Applicant submits that he has complied with the requirements of C.F.R. §1.28 (c)(1) and (2) and request that the erroneous payment of the small entity fees be excused.

Respectfully submitted,

/james f. harrington/  
James F. Harrington  
Registration No.: 44,741  
Attorney for Applicant

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(516) 822-3550  
JFH/jp